

Patent Application  
NC 95,996

### REMARKS / ARGUMENTS

#### Amendments to Claims

Claims 16 and 37-45 remain in this application. Claim 38 has been cancelled. Claim 16 has been amended. No new matter has been added as a result of the current amendment. Support for the new claims can be found in the specification, claims and drawings of the application.

#### Rejection of Claims under 35 USC 102

The Examiner has rejected Claims 16, 37, 44 and 45 under 35 USC 102(e) as being anticipated by Sosnowski et al (US 6,051,380) ('380). The Examiner states that:

Sosnowski ('380) et al disclose the detection of analytes (abstract). '380 disclose contacting a sample containing the analyte (test solution) to a device. '380 disclose that the device contains a permeation layer with selective diffusion properties (col. 25, lines 13-15). '380 discloses that this permeation layer should have a pore limit property which inhibits larger binding entities, reactants and analytes from passing through to the micro-electrode surface (col 25, lines 26-33). '380 et al disclose that the permeation layer can be a porous membrane (col. 25, line 45 and col. 27, lines 51-53). '380 disclose that the outer surface of the membrane is derivatized with chemical functional groups (membrane surface modifiers) (col 27, lines 52-53). '380 discloses that these chemical functional groups binds to specific binding entities (col 28) and that these specific binding have affinity for another molecule (col 9). '380 discloses that detection of binding reactions can be achieved by using labeled reporter groups and that these labels can be

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conjugated to DNA or antibodies (binding ligands) (col 35, lines 35-41). '380 disclose that the labels can be fluorescent, chemiluminescent and enzymatic (col 35, lines 35-41) '380 disclose using an imaging or scanning detector system to detect labels (col 8). Sosnowski disclose that the ideal pore limit is from 2nm to 10 nm (col 27, lines 37-37) '380 disclose that the pores allow a solvent to pass through (col. 25, lines 21-24). Sosnowski et al disclose the removal of unbound analytes or reactants.

Applicants have amended claim 16. Claims 37, 44 and 45 depend from Claim 16. The '380 patent neither teaches nor discloses the present invention as claimed in amended Claim 16. The present invention claims providing a pressure source to drive the test solution containing an analyte to and through a semipermeable membrane. The membrane is capable of supporting a 100 kPa pressure load. The '380 patent does not teach or disclose using a pressure source to drive the test solution to and through a semipermeable membrane, rather, it teaches a test solution in contact with the electrodes, with flow of solvent molecules, small counter ions and gases moving in both directions.

Applicants respectfully suggest that the '380 patent therefore neither teaches nor discloses the present invention, and respectfully request reconsideration.

#### Rejection of Claims under 35 USC 103

The Examiner has rejected Claims 38 and 40-42 under 35 USC 103(a) as being unpatentable over Sosnowski et al in view of Butler (US 5,137,634) and in further view of Van Damme et al (US 6,225,131). Applicant believes it has removed the rejection based on the Sosnowski reference above, thus removing this rejection also. Claims 38 has been cancelled.

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Claims 40-42 depend from Claim 16, making them allowable if Claim 16 is allowable.

The Examiner has rejected claims 39 and 43 under 35 USC 103(a) as being unpatentable over Sosnowski et al in view of Lee et al (US 6,180,418). Applicant believes it has removed the rejection based on the Sosnowski reference above, thus removing this rejection also. Claims 39 and 43 depend from Claim 16, making them allowable if Claim 16 is allowable.

Conclusion

Applicants believe the present amendment is fully responsive to each of the Examiner's objections and rejections. Applicants respectfully request reconsideration and a timely Notice of Allowance be issued in this case. In the furtherance of compact prosecution, if a personal or telephone interview would help expedite matters, the Examiner is requested to contact Amy Ressing at 202-404-1558.

Kindly charge any additional fees due, or credit overpayment of fees, to Deposit Account No. 50-0281.

Respectfully submitted,

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